

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 147.76, the Board of Hearing Aid Dispensers hereby gives Notice of Intended Action to amend Chapter 124, “Discipline for Hearing Aid Dispensers,” Iowa Administrative Code.

Because 2011 Acts, House File 649, section 87, repealed Iowa Code section 154A.24(3)(s), the amendment in Item 1 proposes to rescind the same language in paragraph 124.2(6)“d,” which requires advertisements related to hearing aids to include qualifying words in the same size type as the title of the business if the title of the business does not include the words “hearing aid.” The amendment in Item 2 clarifies that conviction of a crime includes when the judgment of conviction or sentence was deferred.

Any interested person may make written comments on the proposed amendments no later than November 4, 2011, addressed to Sharon Dozier, Professional Licensure Division, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075; E-mail sharon.dozier@idph.iowa.gov.

A public hearing will be held on November 1, 2011, from 10:30 to 11 a.m. in the Fifth Floor Board Conference Room, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 21, 147, 154A and 272C.

The following amendments are proposed.

ITEM 1. Amend subrule 124.2(6) as follows:

124.2(6) Failure to place all of the following in an advertisement relating to hearing aids:

- a. Hearing aid dispenser’s name.
- b. Hearing aid dispenser’s office address.
- c. Hearing aid dispenser’s telephone number.
- d. ~~The qualifying words in the same size type as the title of the business: “for the purpose of fitting, selection, adaption, and sale of hearing aids.” However, the qualifying words are not required if the advertisement includes the words “hearing test,” “hearing evaluation,” “free hearing test,” “free hearing evaluation,” “hearing measurement,” or “free hearing measurement,” and the title of the business which is advertising appears in the advertisement and includes the words “hearing aid.”~~

ITEM 2. Amend subrule 124.2(16) as follows:

124.2(16) Conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee’s ability to practice as a hearing aid dispenser within the profession, regardless of whether the judgment of conviction or sentence was deferred. A copy of the record of conviction or plea of guilty shall be conclusive evidence.